

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**DSS Technology
Management, Inc.**

Plaintiff,

v.

**Intel Corporation;
Dell, Inc.; Wal-Mart Corp.;
Conn's, Inc.; Conn Appliances, Inc.;
NEC Corporation of America;
Wal-Mart Stores, Inc.;
Wal-Mart Stores Texas, LLC;
AT&T Inc.**

Defendants.

Civil Action No. 6:15-cv-130

Jury Trial Demanded

DSS TECHNOLOGY MANAGEMENT, INC.’S ANSWER TO WAL-MART STORES, INC.’S AND WAL-MART STORES TEXAS, LLC’S COUNTERCLAIMS TO PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff/Counter-Defendant DSS Technology Management (“DSS”), hereby files this its Answer to Wal-Mart Stores, Inc. and Wal-Mart Stores, Texas, LLC (collectively “Wal-Mart”) Counterclaims to Plaintiff’s Original Complaint for Patent Infringement and in support thereof, states as follows:

COUNTERCLAIM FOR DECLARATORY RELIEF

Plaintiff/Counter-Defendant hereby denies all allegations not specifically admitted.

THE PARTIES

1. Plaintiff/Counter-Defendant admits that Wal-Mart Stores, Inc. is a corporation organized under the laws of Delaware with a place of business in Bentonville, Arkansas.

2. Plaintiff/Counter-Defendant admits that Wal-Mart Stores Texas, LLC is a limited liability company organized under the laws of Delaware with a place of business in Bentonville, Arkansas.

3. Plaintiff/Counter-Defendant admits that it is a corporation certified and authorized to transact business in Texas and that it maintains offices in Plano, Texas.

JURISDICTION

4. Plaintiff/Counter-Defendant admits that jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§ 1331 and 1338(a). Plaintiff/Counter-Defendant denies that Defendants are entitled to a declaration of non-infringement and/or invalidity of U.S. Patent No. 5,965,924 (“the ’924 patent”) and U.S. Patent No. 6,784,552 (“the ’552 patent”).

5. Plaintiff/Counter-Defendant admits the allegations in paragraph 90 of Wal-Mart’s counterclaims.

6. Plaintiff/Counter-Defendant admits the allegations in paragraph 91 of Wal-Mart’s counterclaims.

7. Plaintiff/Counter-Defendant denies the allegations in paragraph 92 of Wal-Mart’s counterclaims.

8. Plaintiff/Counter-Defendant admits that there is an actual and justiciable controversy between Wal-Mart and DSS.

FIRST COUNT:
DECLARATION OF NON-INFRINGEMENT
AND INVALIDITY OF UNITED STATES PATENT NO. 5,965,924

9. In response to paragraph 94 of Wal-Mart's Counterclaims, Plaintiff/Counter-Defendant incorporates by reference its above-responses to paragraphs 86 through 93 of Wal-Mart's Counterclaims as if fully set forth herein.

10. Plaintiff/Counter-Defendant denies the allegations in paragraph 95 of Wal-Mart's Counterclaims.

11. Plaintiff/Counter-Defendant denies the allegations in paragraph 96 of Wal-Mart's Counterclaims.

12. Plaintiff/Counter-Defendant denies the allegations in paragraph 97 of Wal-Mart's Counterclaims.

SECOND COUNT:
DECLARATION OF NON-INFRINGEMENT
AND INVALIDITY OF UNITED STATES PATENT NO. 6,784,552

13. In response to paragraph 98 of Wal-Mart's Counterclaims, Plaintiff/Counter-Defendant incorporates by reference its above-responses to paragraphs 86 through 97 of Wal-Mart's Counterclaims as if fully set forth herein.

14. Plaintiff/Counter-Defendant denies the allegations in paragraph 99 of Wal-Mart's Counterclaims.

15. Plaintiff/Counter-Defendant denies the allegations in paragraph 100 of Wal-Mart's Counterclaims.

16. Plaintiff/Counter-Defendant denies the allegations in paragraph 101 of Wal-Mart's Counterclaims.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff/Counter-Defendant prays for judgment against Defendant/Counter-Plaintiff as follows:

- A. For judgment dismissing the counterclaims with prejudice;
- B. For a declaration that this is an exceptional case, and an award to Plaintiff/Counter-Defendant of its costs and attorneys' fees incurred herein;
- C. An award of the costs of this action; and
- D. That Plaintiff/Counter-Defendant be awarded such other and further relief as the Court may deem just and proper, including all relief requested in Plaintiff's Complaint.

JURY DEMAND

Plaintiff/Counter-Defendant joins Wal-Mart in its demand for trial by jury.

Respectfully submitted,



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ATTORNEY FOR PLAINTIFF

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a) and served via the Court's electronic filing system on all counsel who have consented to electronic service on this the 10th day of June, 2015.



NIX PATTERSON & ROACH, L.L.P.